IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. NO. 1046 OF 1988 (O&M)
XOBJ NO. 55-CII OF 1991
DATE OF DECISION: 09.08.2006

AMARJIT KAUR AND ANOTHER

....APPELLANTS

VERSUS

THE PUNJAB STATE AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

PRESENT: MR. M.L. SAINI, ADVOCATE
FOR THE APPELLANTS

MS. URVASHI DHUGGA, AAG, PUNJAB.

JUDGEMENT

This is an appeal for enhancement of compensation against the the award, dated 07.09.1988, passed by the Motor Accident Claims Tribunal, Jalandhar in MACT case No. 23 of 1988.

The claim petition was a result of an accident in which Niranjan Dass died. The accident took place on 4.9.1983 at about 8 P.M. on Bunga-Jalandhar road involving head on collision between police truck bearing registration No. PND 7951 driven by Pal Singh and a tempo bearing No. PBS 3755 being driven by Swinder Singh, in which the deceased was travelling. The claimants-appellants are widow and daughter of the deceased. In the claim petition, the compensation of Rs. 4 lacs was claimed by pleading that the deceased was earning Rs. 1500/- per month. The finding on the negligence part has been returned against the vehicle owned by the State. It has come in the evidence that the deceased was owning five killas of land, which was cultivated by him and from which his income was to the tune of Rs. 1000/- to Rs. 1200/- per month. However, the Tribunal assessed his income by treating him as unskilled labour at Rs. 600/- per

month. A farmer owning his land and cultivating the same himself cannot be equated with an unskilled labour and his income certainly has to be assessed more than what an unskilled labour gets. Accordingly, in my view, the dependency of the deceased, who was a young able bodied man of 32 years of age, should be assessed at Rs. 7,000/- per annum as against Rs. 5,000/- per annum assessed by the Tribunal and by applying a multiplier of 16 keeping in view his age, the amount of compensation would come out to Rs. 1,12,000/-. In addition to this, the claimants would also be entitled to Rs. 2,000/- as funeral expenses and another sum of Rs. 10,000/- on account of loss of consortium and estate, making it a total of Rs. 1,24,000/-.

The additional amount shall be paid to the claimants-appellants alongwith interest @ 7.5 % per annum from the date of application till its payment. The amount in question shall be shared by the widow and daughter in the ratio of 65:35.

No arguments have been addressed on the cross-objections, as no one has chosen to put in appearance. Accordingly, the cross-objections are dismissed.

The award of the Tribunal is modified to the extent indicated above and the appeal is disposed of accordingly.

August 9, 2006 **(RAJESH BINDAL)**
gsv **JUDGE**